

## Interview Summary

Application No.  
08/238,080

Applicant(s)  
Collins et al.

Examiner  
Dianne Rees

Group Art Unit  
1807



All participants (applicant, applicant's representative, PTO personnel):

(1) Dianne Rees

(3) \_\_\_\_\_

# 16

(2) Norval Galloway

(4) \_\_\_\_\_

Date of Interview Mar 26, 1997

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: all pending

Identification of prior art discussed:

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's counsel discussed aspects of the invention related to the rejection under 35 USC 103; particularly that there was no expressed motivation to combine the references cited, that the evidentiary record of the prior art did not teach purifying target nucleic acids prior to amplification, and, further, that where purification was done (i.e. when the problem was recognized at all) it was done by methodology other than that claimed by applicant. The examiner agreed that there was no expressed motivation in the references but that expressed motivation was not required to establish obviousness under 103. The Examiner discussed that although the art provided "quick and dirty" solutions to amplification, this did not constitute teaching away from the claimed invention and that although the claimed invention represented an improvement over the art; the modification of the art known technique (purifying a target using a solid support from a sample) was recognized as offering an advantage that would render this improvement an obvious one.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

16